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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Gregory Danaher,)	
)	Case No: 2:13-cv-00128-APG-PAL
Plaintiff,)	
)	PLAINTIFF'S MOTION REQUESTING
v.)	AN EXTENTION OF TIME
)	(First Request)
Firstsource Advantage, LLC,)	
)	
<u>Defendant.</u>)	

INTRODUCTION

Pursuant to Fed. R. Civ. P. 7(b) and LR 6-1, Plaintiff brings before this Honorable Court this motion requesting an extension of time, which is Due to the discovery of new information, which Plaintiff has demonstrated by his amended complaint attached to his motion to amend complaint, heretofore before this Honorable Court awaiting ruling. In that amended pleading, Plaintiff has alleged additional violations which will require additional discovery requests, and supplements thereof. Plaintiff has a substantial need for the information requested to prepare his case. Further, it is in the interests of each of the parties to engage in this process cooperatively and the resulting benefits to the Defendant will mitigate time and expenses. Plaintiff has contacted and conferred with Attorney for Defendant in the 10th hour of am on this 28th day of May, and gave Defendant the opportunity to agree to a Stipulation of time. However, Defendant's attorney has indicated that it would take time for him to contact his client to get approval

to Stipulate. Due to the fact that *I am still waiting for such an response/agreement inquired about fifteen (15) days ago* regarding Plaintiff's motion to amend complaint which I first inquired about on the 13th of May, 2013, and today is the 28th of May, 2013, which I filed on the 24th of May, Plaintiff believes it's best to file this motion now, today, since this is an emergency due to time restraints and the current expiration of the ability for amending pleadings and adding parties is in one (1) weeks time.

PLAINTIFF'S REASONS FOR NEEDING TO FILE THIS MOTION

The timing currently set forth in the Scheduling Order is insufficient insomuch as the Scheduling Order will need to be amended due to, but not limited to, the following reasons:

1) The current timing prejudices Plaintiff by not allowing for any time to amend pleadings, ascertain the identity of individuals with liability or add new parties after the Second set of Production of documents or electronically stored information and Admissions, as well as the first set of Interrogatories, are due for response.

2) Also, upon information and belief, Plaintiff anticipates adding at least two (2) additional defendant(s) that violated Plaintiff's rights, however, as a natural consequence of Defendants uncooperative stance in discovery, Plaintiff has been prejudiced by Defendant not allowing the identity of the individual that obtained Plaintiff's consumer report to be known, so that Plaintiff may, among other things, depose the unidentified person(s) and ascertain whether or not the unidentified person(s) have liability in this case.

3) After Plaintiff realized he had additional violations to be adjudicated during the ongoing discovery process and thereby having developed a need to amend his

original complaint to add those violations and possible additional parties, Plaintiff realized that he requires additional time to amend pleadings and add defendants, and needed some of the current relevant Scheduling Order times to be extended to after the discovery cut off date, as to not impede Plaintiff's discovery requests responses and supplements thereof.

4) Plaintiff has also taken measures to mitigate the amount of time needed to be extended by filing discovery requests in regards to the new violations alleged in his amended complaint just days after having filed the motion to amend.

5) To extend time to allow for Plaintiff to conduct further discovery requests and supplements that the truth may be manifest in these matters and justice served.

6) Prior to Plaintiff's agreeing to the current scheduling order, which Defendants attorney formatted, Plaintiff was not aware of the actual need to add additional violations or Defendant(s) at that time.

7) Plaintiff was very forthcoming about the information needed in discovery and Defendant raised no objections to the materials and information I was requesting when I sent emails regarding these matters and after we spoke on the telephone prior to and during the time Plaintiff's first Request for Production of Documents or electronically stored information was looming, which led Plaintiff to believe that Defendant was going to be forthcoming with information. However, Plaintiff has not received any tangible information in the procurement of this discovery, and Plaintiff is being prejudiced by the natural consequences of the actions of Defendant and Defendant's attorneys, due to the fact that Defendant has not cooperated.

8) Furthermore, When Plaintiff raised these issues regarding Discovery, Defendants attorney indicated on several occasions that he would ask his client regarding certain matters relating to the discovery process but has not replied to me about any of my queries in a fair manner to bring resolution. Plaintiff feels his gestures to obtain discovery have largely been ignored by Defendant, creating a consequence, the natural effect thereof being, Plaintiff's effort to seek justice are being stymied or stalled.

9) If Counsel for Defendant had been more communicative and cooperative these discovery requests could be resolved without the necessity to involve the Court or extend time.

10) Also, Plaintiff may require additional time for compelling Defendant to produce or answer properly prior to the cutoff for amending pleadings or adding parties, and would ask the Court for input on setting proper scheduling order times if it's appropriate.

11) The current Scheduling Order reflects the following:

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|----|---|--------------------|
| 1) | Last day to amend pleadings or add parties: | June 04, 2013 |
| 2) | Expert disclosures: | July 03, 2013 |
| 3) | Discovery cutoff: | September 03, 2013 |
| 4) | Motion cutoff: | September 30, 2013 |
| 5) | Pre-Trial Order: | November 18, 2013 |
| 6) | Pre-Trial Disclosures: | November 18, 2013 |
| 7) | Trial: | December 16, 2013 |

"Any stipulation of motion must be made not later than August 13, 2013 – 21 days before the discovery cut-off date."

The Scheduling Order is signed by Magistrate Judge Peggy A. Leen on the 9th day of April, 2013.

12) If this Court has no input or finds it not appropriate to give input on the setting of proper times for the Scheduling Oder, then Plaintiff requests that the times be adjusted to allow for additional time to amend pleadings and add parties as follows;

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WHEREFORE, Plaintiff respectfully motions the Court to amend the Scheduling Order to allow for the necessary additional time to conduct discovery, amend pleadings and add defendants in those amended pleadings according to the following dates and statement;

PROPOSED NEW SCHEDULING ORDER

- 1) Last day to amend pleadings or add parties: October 03, 2013
- 2) Expert disclosures: November 03, 2013
- 3) Discovery cutoff: September 03, 2013
- 4) Motion cutoff: October 30, 2013
- 5) Pre-Trial Order: November 18, 2013
- 6) Pre-Trial Disclosures: November 18, 2013
- 7) Trial: December 16, 2013

Any stipulation of motion must be made not later than October 03, 2013 – 30 days after the discovery cut-off date.

Respectfully submitted this 28th day of May, 2013 by: 
GREGORY DANAHER
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702-490-0085
PRO SE


IT IS SO ORDERED:

Honorable Judge Andrew P. Gordon
U.S. District Court Judge
Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the above document **PLAINTIFF'S MOTION REQUESTING AN EXTENTION OF TIME**, and this Certificate of Service upon the attorney of record for the Defendant in this action, listed below, by mailing a copy thereof, postage prepaid, via first-class U.S. mail to the address listed below, on this 28th day of May, 2013.

FIRSTSOURCE ADVANTAGE, LLC
C/O Gregory A Kraemer
Of: COOPER LEVENSON
ATTORNEYS AT LAW
6060 Elton Avenue
Las Vegas, NV 89107

By: 
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